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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,007	01/24/2002	Robert A. Luciano JR.	GLF-01-001	3607

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Reno, NV 89511

EXAMINER

HUNNINGS, TRAVIS R

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,007

Applicant(s)

LUCIANO ET AL.

Examiner

Travis R Hunnings

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☒ Claim(s) 8, 9, 11 and 14 is/are rejected.
- 7) ☒ Claim(s) 10, 12, 13 and 15-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: element 108 in figure 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: the word 'be' on page 15, line 21 should be eliminated to make the sentence clear.

Appropriate correction is required.

Claim Objections

3. Claims 7, 9 and 15 objected to because of the following informalities: in claim 7 the acronym "WWW" should be spelled out in order to eliminate possible confusion; in claim 9 the word 'balls' should be added to the sentence after the phrase "...is a set of golf..." in order to make the sentence clear; in claim 15 the word 'gold' should be changed to 'golf'. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 8, 9, 11 and 14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Jolliffee et al. (Jolliffee; US Patent 6,607,123).

Regarding claim 8, Jolliffee discloses *Identifying Golf Balls* that has the following claimed subject matters:

The claimed method having the step of entering a golf range is met by the player going to the golf range of Jolliffee to practice hitting golf balls (col1 56-65);

The claimed method having the step of providing a set of golf balls having RFIDs therein, where said set of golf balls comprises one or more golf balls is met by the golf driving range comprising means for supplying golf balls to a player wherein each golf ball incorporates a coded RF-transponder (col1 56-65);

The claimed method having the step of using a range entry golf ball RFID reader to provide a set of golf ball IDs corresponding to said set of golf balls in a one-to-one manner is met by the supply means incorporating first ball-identifying means and each golf ball incorporating an RF-transponder having a unique code (col1 50-65);

The claimed method having the step of storing said set of golf ball IDs on a database on said server is met by the memory of the computer system storing data regarding which golfer was issued with which balls (col3 50-51);

The claimed method having the step of associating said set of golf ball IDs with an account on said database is met by the memory of the computer system storing data regarding which golfer was issued with which balls (col3 50-51);

The claimed method having the step of hitting said golf balls from a tee-off area towards at least one target is met by the multiple targets and tee-off area where golfers practice hitting golf balls at the various targets (col1 50-65 and figure 1);

The claimed method having the step of gathering data on any hits on any target and sending said data to a server is met by the identification device associated with a hole that reads the RF-transponder that is located inside the ball and sends a signal to the computer that incorporates the memory that stores data regarding the golfer who was issued with the ball (col3 2-67);

The claimed method having the step of providing a person having access to said account data about said golf ball hits and any other data collected pursuant to using said set of golf balls is met by the separate screen located in a driving bay that displays information regarding the successful outcome of a golf drive into the range (col3 27-38);

The preamble is given no weight in consideration for allowance because it does not breathe into the body of the claim, specifically the system having a moveable target and at least one GPS reader/transmitter. If applicant wants the preamble to be considered as a part of the claim in consideration for allowance the limitations must be placed into the body of the claim itself.

Regarding claim 9, Jolliffee discloses all of the claimed limitations. The claimed method having the step of providing a set of golf balls being a set of golf purchased for play by a player at a range cashier's station is met by the dispenser being operated by an operator and allowing the golfer to purchase and acquire a set of golf balls to be used at the driving range (col3 27-38).

Regarding claim 11, Jolliffee discloses all of the claimed limitations. The claimed method having the step of associating said set of golf ball IDs with an account further comprising associating said set of golf ball IDs with a specific player account is met by the golf balls being allocated only to named members of the golf driving range (col3 58-60).

Regarding claim 14, Jolliffee discloses all of the claimed limitations. The claimed method having the step of providing a plurality of targets is met by the multiple targets of the golf driving range (col3 19-20 and figure 1). The claimed method having the step of recording data on any ball from said set of balls that reaches any target, sending said gathered data to a server and gathering all sent data in said database is met by the RFID reader sending the valid code to a computer whenever a valid ball is detected at the RFID reader (col3 2-67), the computer incorporates a memory which stores data regarding the golfer who was issued with the ball and the outcome of the drive of the ball into the driving range. The claimed method having the step of providing said data to any authorized user, player, or program running on said server is met by the separate screen located in a driving bay that provides information regarding the successful outcome of the drive (col3 27-38).

Allowable Subject Matter

6. Claims 1-7 are allowed. The following is a statement of reasons for the indication of allowable subject matter: independent claim 1 and its dependents appear to be allowable because it describes a novel apparatus utilizing both RFID and GPS technology in the target and distribution systems to operate a golf driving range.

7. Claims 10, 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tillery et al. *System For Automatic Collection...* US Patent 5,114,155

Bertoncino, *Driving Range With Automated Scoring...* US Patent 5,439,224

Little, *Golf Ball With Tag, And Detecting System*, US Patent 5,626,531

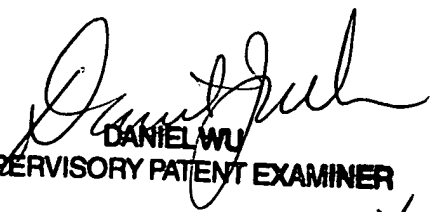
Nichols et al. *Golf Driving Range*, US Patent 6,569,028

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R Hunnings whose telephone number is (571) 272-3118. The examiner can normally be reached on 8:00 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TRH


DANIEL WU
SUPERVISORY PATENT EXAMINER
02/07/05